

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT

Evan David Smith
Movant

53 MM 2024

V.

The Court of Common Pleas of York County, et al.,
Gregory M. Snyder
Richard K. Renn
David W. Sunday Jr.
Bruce P. Blocher
William H. Graff Jr.
Dan Byrnes
Supreme Court of Pennsylvania, et al.,
Defendants

FILED
HARRISBURG, PA

DEC 04 2024

PER MA
DEPUTY CLERK

APPLICATION FOR WRIT OF MANDAMUS

Now comes, Evan David Smith, Movant, pro-se, who files the instant APPLICATION FOR WRIT OF MANDAMUS against: The Court of Common Pleas of York County, et al., the above named individuals, to restore my rights which have been illegally deprived when criminal charges were formally filed against the above-named Defendants.

Charges remain unfiled by either Court and have not been directly answered, thereby, denying Movant rights under the law of the United States. My clear legal rights to bring criminal charges against the Defendants corresponding duty is appropriate in seeking remedy. I am a victim and the Courts are remiss in their duty to provide justice, allowing the Defendants to continue their illegal activities to purchase bonds without notification, due process of law or consent.

In the past, I have repeatedly asked the Defendants either by Writ or Motion to give me a true and honest answer, under penalty of perjury; whether they did or did not make transactions to procure various bonds multiple times using my name. To this date; the Defendants remain silent by refraining from contradiction or objection. My fifth and fourteenth Amendment rights have been negatively impacted, which makes me helpless by the Defendants acts of fraud.

Furthermore, I am asking this Honorable Court to release me from illegal confinement caused by the Defendants crime(s) of fraud.

I. STATEMENT OF JURISDICTION

Pursuant to **18 U.S.C. § 3771 (d)(3)**, Crime Victim Act, and **U.S.C.A. §§ 2071-2074, U.S. Const., Art 3, Sec 2 and 28 U.S.C.A. § 1331**, with respect to "federal question" jurisdiction of Federal Courts.

II. STATEMENT OF THE CASE

1. On March 22, 2024, Movant files a Motion for ALLEGATIONS of CRIME(S) in the Court of Common Pleas of York County. A subsequent filing was made with the Pennsylvania Supreme Court on July 17, 2024, as a King Bench Matter, Rule 3309, which was denied PER CURIAM on September 10, 2024. No brief has ever been filed by the Defendants. No opinions has ever been given by the Pennsylvania Supreme Court. No one will answer.
2. On September 16, 2024, a Motion for Reconsideration was filed with the Pennsylvania

Supreme Court, specifically asking for either a YER or NO answer concerning the alleged crimes and purchase of bonds. The alleged crimes are: FRAUD, LARCENY BY FRAUD OR DECEPTION, CRIMINAL INTENT, THEFT BY FALSE PRETEXT, CRIMINAL MALVERSION, and CRIMINAL CONTEMPT, beginning on August 24, 2011. Motion for Reconsideration was denied PER CURIAM on November 14, 2024.

3. Movant is incarcerated due to a total confinement imposed upon him by the Defendants at CP-67-CR-0418-2012, inmate number LL6327.

4. Movant is currently incarcerated at STATE CORRECTIONAL INSTITUTION FOREST located at 286 Woodland drive, P.O. Box 945 Marienville, Pennsylvania 16239-0945.

III. RELIEF REQUESTED

1. A TRUE and HONEST answer, either YES or NO as to whether various bonds, I know to exist; were purchased multiple times using my name without my consent, permission, or knowledge.

2. A TRUE and HONEST answer from the Pennsylvania Supreme Court as to whether the actual crimes alleged were committed by the Defendants and why they have not been charged.

WHEREFORE, Movant, Evan David Smith, hereby requests that this Honorable Court grant relief in this matter and in doing so, ORDER the Defendants to respond to the ALLEGATIONS OF CRIME(S). I am asking this Court to ORDER the Pennsylvania Supreme Court to give a written answer why they ignored the alleged crimes of the Defendants, and the purchase of bonds.

I am asking for my immediate release from incarceration, my record cleared of all charges, the full value of the bonds, court costs and fines, the amount of \$2,000.00 per day for every day I have been incarcerated since August 24, 2011 to be placed on a debit card(s).

Federal Rules of Criminal Procedure have effect of Law, *Ochoa v. United States*, 167 F.2d, 341, 1948, U.S. App. Lexis 2443 (9th Cir, 1948).

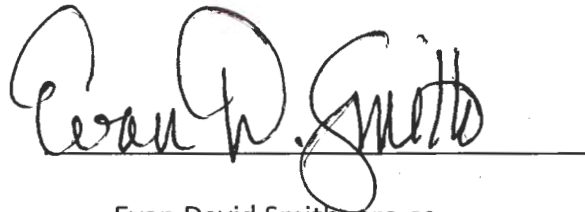
Federal Rules of Federal Procedure have force and effect of law and are binding in District Judges conducting criminal trials in United States Courts. *U.S. v. Virginia Election Corp.*, 335 F.2d 808, 1964 U.S. App. Lexis 4547 (4th Cir. 1964); *U.S. v. Whitely*, 454 F.2d 642, 1972 U.S. App. Lexis 11676 (8th Cir 1972).

UNSWORN VERIFICATION

I, Evan David Smith, do hereby declare that all foregoing statements are TRUE and CORRECT to the very best of my belief, knowledge, and information.

DATE: 20 November, 2024

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Evan D. Smith", written over a horizontal line.

Evan David Smith, pro-se
SCI FOREST LL6327
286 Woodland Dr., P.O. Box 945
Marienville, Pa. 16239-0945

ADDENDUM TO MANDAMUS

November 25, 2024

1. I am a "*crime victim*" as described in 18 U.S.C. §3771(e)(a).
2. On July 17, 2024 ALLEGATIONS OF CRIME(S) were presented to the Pennsylvania Supreme Court, case # 53MM2024, and received by Prothonotary on July 22, 2024. No Formal answer letters were presented by Defendants, no action was taken to investigate the alleged crimes.
3. On July 31, 2024, A MOTION FOR DECISION OF ALLEGATIONS OF CRIME(S) was filed with the Prothonotary, No Formal Answer letters were presented from Defendants, Motion was then DENIED, PER CURIAM on September 10, 2024. The Prothonotary was DIRECTED to strike the name of Jurist from the caption.
4. On September 16, 2024 a Motion For Reconsideration, a King's Bench Matter, Rule 3309, involving a legal issue of "*continuing public interest*" was filed with the Prothonotary's Office. No Formal Answer letters were presented from Defendants. The Court ruled once again, DENIED, PER CURIAM on November 14, 2024. I expected an answer to the Reconsideration, not silence on the crimes committed. I consider this to be unfair, and possibly illegal due to the Court not operating according to its own Rules and Procedures.

Pa. R.A.P., Rule 8, Certification of Questions of Law

D. Reconsideration Application.

1. *Assignment.* Upon receipt of an application For Reconsideration following an order resolving a Certification Petotion, the Prothonotary shall direct the reconsideration application to the Chief Justice for assignment.
2. *Circulation and Disposition.* The assigned Justice shall circulate to the Court a recommended disposition within fourteen (14) days of the date of the assignment.

The Pennsylvania Supreme court waited until the sixtieth (60) day to respond with PER CURIAM DENIED. I still have no answer to my Reconsideration concerns.

5. Defendants responded on every Motion with No Fromal Answer letters, refusing, since March 27, 2024 to admit or deny the illegal purchase(s) of Bonds multiple times, using Movants

name without knowledge, due process of law, or consent. The Pennsylvania Supreme Court refuses to definitively answer the same questions and sided with Defendants making them accessory to the approval of crime(s) against myself.

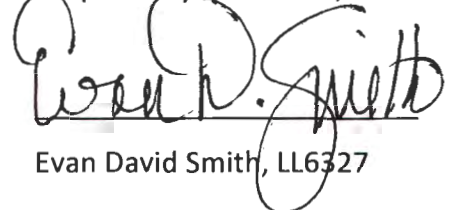
6. The Pennsylvania Supreme Court has ignored the crimes outlined in the ALLEGATIONS OF CRIME(S) which are outlined in detail. FRAUD is a punishable crime and should be taken seriously by the Courts. The Courts lack of impartial adjudication with the inclination to one side favors the Defendants, a loss for myself, the "victim" of FRAUD by the Defendants..

7. I have been repeatedly denied the right to explanation, an investigation of the alleged crimes, and my citizen rights; protected by the U. S. Const. The unwillingness of the Pennsylvania Supreme Court to properly adjudicate my claims are proof of bias, corruption with their colleague in a cover up of the truth. I know that Bonds were purchased illegally. I am also ware of the "paper trail" concerning those purchases.

In Conclusion, if my allegations of FRAUD, etc. are unfounded, then it would have been simple for the Courts to rule, to present briefs or opinions supporting the issue at hand. The Courts could have stated unequivocally the truth, rather than remain silent. To my knowledge, no investigation by any agency has been done. Defendants continue committing the same crime on other citizens of the Commonwealth by purchasing Bonds illegally on each person brought before the Courts, thus, violating the U.S. Constitution.

Dated: November 25, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Evan D. Smith", written over a horizontal line.

Evan David Smith, LL6327

PROOF OF SERVICE

I, Evan David Smith, do certify that I have sent a TRUE and CORRECT copy of the APPLICATION for MANDAMUS to the below-listed party(s) by way of First-Class Mail on this 20th day of November, 2024.

SERVICE BY FIRST CLASS MAIL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT
FEDERAL BUILDING
P.O. BOX 908
HARRISBURG, PA. 17108-0908

DAVID W. SUNDAY JR., ESQ.
YORK COUNTY JUDICIAL CENTER
45 NORTH GEORGE STREET
YORK, PA. 17401

PENNSYLVANIA JUDICIAL CENTER
SUPREME COURT OF PENNSYLVANIA
OFFICE OF THE PROTHONOTARY
AMY DREIBELBIS, ESQ.
601 COMMONWEALTH AVE., SUITE 4500
HARRISBURG, PA. 17120

BRUCE BLOCHER
YORK COUNTY JUDICIAL CENTER
45 NORTH GEORGE STREET
YORK, PA. 17401

MICHAEL DALEY, ESQ.
ADMINISTRATIVE OFFICE OF PEENSYLVANIA COURTS
1515 MARKET ST., SUITE 1414
PHILADELPHIA, PA. 19102

DAN BYRNES
YORK COUNTY JUDICIAL CENTER
45 NORTH GEORGE STREET
YORK, PA. 17401

SUMMERS/NAGY LAW OFFICE
SEAN E. SUMMERS
35 SOUTH DUKE STREET
YORK, PA. 17401

RICHARD K. RENN
YORK COUNTY JUDICIAL CENTER
45 NORTH GEIRGE STREET
YORK, PA. 17401

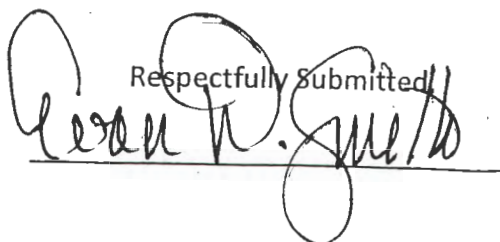
JONELLE H. ESHBACH, ESQ.
SOLICITERS OFFICE
ADMINISTRATIVE CENTER
28 EAST MARKET STREET
YORK, PA. 17401

GREGORY M. SNYDER
YORK COUNTY JUDICIAL CENTER
45 NORTH GEORGE STREET
YORK, PA. 17401

WILLIAM H. GRAFF JR. ESQ.
96 SOUTH GEORGE STREET

DAN BYRNES
YORK COUNTY JUDICIAL CENTER
45 NORTH GEORGE STREET
YORK, PA. 17401

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Evan D. Smith", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT

Evan David Smith

53 MM 2024

Movant

v.

The Court of Common Pleas of York County, et al

Gregory M. Snyder

David W. Sunday, Jr.

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Supreme Court of Pennsylvania, et al

Defendants

FILED
HARRISBURG, PA

DEC 3 2024

PER MT
DEPUTY CLERK

APPLICATION FOR LEAVE TO FILE ORIGINAL PROCESS

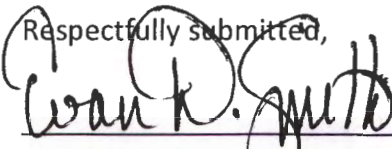
in filing a Writ of Mandamus, pursuant to 18 U.S.C. §3771(d)(3), Crime Victim's Act, 28 U.S.C.A. §§2071-2074, U.S. Const., Art. 3, Sec. 2, and 28 U.S.C.A. §1331 with respect to "federal question" jurisdiction of Federal Courts.

I, Evan David Smith, Movant, pro se, do hereby file this application to invoke, pursuant to above-listed authority, requests this Honorable Court to grant him Leave to File Motion For Writ of Mandamus. This matter involves significant issues of illegal activity of crimes by Defendants, and it is in the "public interest" to expose FRAUD committed by Defendants.

RELIEF REQUESTD

WHEREFORE, Movant respectfully requests that this Court exercise its original jurisdiction, hear this matter and grant Movant relief as outlined in Writ of Mandamus.

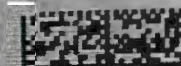
Dated: November 20, 2024

Respectfully submitted,

Evan David Smith, LL6327



INMATE
MAIL

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11/27/2024
FIRST-CLASS MAIL
IMR
US POSTAGE \$002.59



ZIP 16239
0412205275

Inmate Name Evan D. Smith DC # LL6327
SCI Forest 945
PO Box Marionville, Pa. 16239-0945

Office of the Clerk
United States District Court for the
Middle District of Pennsylvania
Sylvia H. Rambo U.S. Courthouse
1501 North 6th St., Suite 101
Harrisburg, Pa. 17102

Legal Mail 11-26-24

Inmate Mail Dept. of Corrections

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HARRISBURG, PA